

Reich Radcliffe LLP

Marc G. Reich (SBN 159936)
4675 MacArthur Court, Suite 550
Newport Beach, CA 92660
Telephone: (949) 975-0512
Facsimile: (949) 975-0514
Email: mgr@reichradcliffe.com

Frommer Lawrence & Haug LLP

Richard E. Parke (Admitted Pro Hac Vice)
745 Fifth Avenue
New York, New York 10151
Telephone: (212) 588-0800
Facsimile: (212) 588-0500
Email: rparke@flhlaw.com

Attorneys for Plaintiff
Bigfoot Ventures LLC

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BIGFOOT VENTURES LLC,

Plaintiff,

v.

COMPAÑÍA MEXICANA DE
AVIACIÓN, S.A. DE C.V. D/B/A
MEXICANA AIRLINES,

Defendant.

Case No. 3:08-cv-01357-BEN-JMA

**JOINT MOTION FOR EXTENSION OF
EXPERT DISCOVERY END DATE AND
MOTIONS FILING DEADLINE**

AND RELATED COUNTERCLAIM.

Plaintiff Bigfoot Ventures LLC and Defendant Compañía Mexicana de Aviación, S.A. de C.V. d/b/a Mexicana Airlines hereby jointly move under Fed. R. Civ. P. 6(b) to modify the Court's "Order Granting Joint Motion to Modify the Case Management Conference Order Regulating Discovery and Other Pretrial Proceedings" (Doc. 30) (hereinafter "Scheduling Order"), dated July 16, 2009. The parties seek a limited extension of the upcoming expert discovery end date, currently set for December 23, 2009, for a period of thirty (30) days, until January 22, 2010, to permit scheduling and conducting the depositions of the five (5) expert

1 witnesses that the parties have collectively identified in this action. All five experts have
2 submitted expert reports, and each party wishes to depose the opposing party's respective experts.

3 Counsel for the parties have discussed scheduling and are attempting to solidify the
4 various experts' availability for deposition. But the parties believe it unlikely that all expert
5 depositions can be conducted by December 23, 2009, given the number of individual experts
6 involved, the various experts' locations (i.e., two experts are in Southern California, one is in
7 Denver, Colorado, one is in both Atlanta, Georgia and New York, New York, and the remaining
8 expert is near Philadelphia, Pennsylvania), and the relatively short timeframe for those
9 depositions. By way of example, at least one expert has advised that he is not available for
10 deposition until December 28, 2009 at the earliest, which is beyond the present expert discovery
11 end date. The parties are confident, however, that the additional time requested will allow
12 sufficient time for all expert depositions to be scheduled and conducted.

13 The parties also request a limited extension of the motions filing deadline¹, currently set
14 for January 22, 2010, for a period of thirty-one (31) days, until February 23, 2010. This is one
15 day longer than the period between the current expert discovery end date and motions filing
16 deadline dates, but only because February 22nd falls on a Sunday. This extension will maintain
17 the same period of time that exists in the present Scheduling Order between the expert discovery
18 end date and the motions filing deadline.

19 Counsel for the parties have corresponded and spoken on this issue on several occasions
20 and are in agreement on the instant request to the Court. This is the parties' third request to
21 modify the Court's case schedule. This extension is not sought for the purpose of delay, and the
22 requested extension will be limited to the items discussed above and will not interfere with any
23 other dates ordered in the Court's Scheduling Order. The parties respectfully suggest that good
24 cause exists for the requested extensions. In addition, the requested relief will not prejudice either
25 party, because both parties have agreed to the proposed scheduling changes.

26
27
28 ¹ This deadline, as explained in paragraph 5 of the Scheduling Order, does not include motions in limine or motions to amend or join parties.

Respectfully submitted,

s/Marc G. Reich

Dated: December 1, 2009

Reich Radcliffe LLP

Marc G. Reich (SBN 159936)
4675 MacArthur Court, Suite 550
Newport Beach, CA 92660
Phone: (949) 975-0512
Facsimile: (949) 975-0514
Email: mgr@reichradcliffe.com

Frommer Lawrence & Haug LLP

Richard E. Parke (Admitted Pro Hac Vice)
745 Fifth Avenue
New York, New York 10151
Phone: (212) 588-0800
Facsimile: (212) 588-0500
Email: rparke@flhlaw.com

Attorneys for Plaintiff
Bigfoot Ventures LLC

s/ Lauren Keller Katzenellenbogen

Dated: December 1, 2009

Knobbe, Martens, Olsen & Bear, LLP

Michael K. Friedland (SBN 157217)
Lauren Keller Katzenellenbogen (SBN 223370)
2040 Main Street, Fourteenth Floor
Irvine, CA 92614
Phone: (949) 760-0404
Facsimile: (949) 760-9502
Email: mfriedland@kmob.com
lkeller@kmob.com

Attorneys for Defendant
Compañía Mexicana de Aviación, S.A. de C.V.
d/b/a Mexicana Airlines